



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,103	11/05/2001	Isabelle Agulhon	FR920000055US1	7500

7590

10/20/2003

William A. Kinnaman, Jr.
IBM Corporation
2455 South Road M/S P386
Poughkeepsie, NY 12601

EXAMINER

LE, UYEN T

ART UNIT	PAPER NUMBER
----------	--------------

2171

DATE MAILED: 10/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,103

Applicant(s)

AGULHON, ISABELLE

Examiner

Uyen T Le

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3 are rejected under 35 U.S.C. 102(a), (e) as being anticipated by Wiese (US 6,108,707).

Regarding claim 1, Wiese discloses the claimed method (see the abstract). The claimed “building in said source data storage at least one file object containing a data package to be transferred” is met by the fact that any file to be transferred in the method of Wiese is built of blocks of data. The claimed “generating a descriptor file including parameters associated with said file object” is met by the fact that any file includes identification data. The claimed “generating an archive file including said data package” is met by the fact that the method of Wiese archives a file to be transferred (see column 4, lines 18-33). The claimed “transmitting said descriptor file and said archive file from said source data processing unit to said destination data processing unit over said transfer medium” is met by the fact that the archive file including identification and

blocks of data is transferred to a destination location on the network (see Figures 2, 3, column 3, line 55- column 5, line 22).

Regarding claim 2, Wiese discloses building a file object by using a file transfer tool model including a header and body (see Figure 3). The claimed functions have to be present for the file and its data package to be archived in a directory with information regarding how much memory it takes and which version it is.

Claim 3 merely reads on the fact that any electronic file is associated with a directory.

2. Claims 1-14 are rejected under 35 U.S.C. 102(a), (e) as being anticipated by Pisello et al (US 5,495,607).

Regarding claim 1, Pisello discloses the claimed method (see Figures 5, 6, column 23, line 37- column 28, line 64). The claimed "building in said source data storage at least one file object containing a data package to be transferred" is met by the fact that any file to be transferred is built of blocks of data. The claimed "generating a descriptor file including parameters associated with said file object" is met by the fact that any file includes identification data (see column 13, lines 14-35). The claimed "generating an archive file including said data package" is met by the fact that the method of Pisello archives a file (see column 7, lines 22-25, column 13, lines 65-67). The claimed "transmitting said descriptor file and said archive file from said source data processing unit to said destination data processing unit over said transfer medium" is

met by the fact that the archive file including identification and blocks of data is transferred to a destination location on the network (see column 15, lines 3-9).

Regarding claim 2, any file object has to have a header and a body as claimed. Furthermore, Pisello discloses building a file object by using a file transfer tool model when Pisello shows the archive data storage and retrieval means (see column 7, lines 22-30). The claimed functions have to be present for the file and its data package to be archived in a directory with information regarding how much memory it takes and which version it is.

Regarding claim 3, Pisello discloses that said file object is a component object corresponding to files which are associated with a directory (see column 9, lines 20-26).

Regarding claim 4, Pisello discloses that said object file is an object corresponding to files which are associated with a root directory (see column 9, lines 27-67).

Regarding claim 5, Pisello discloses the claimed steps of defining the descriptor file and setting a directory name when Pisello shows the path to a file (see Table 1). The claimed "creating said archive file from the data package" is met by the fact that the method of Pisello archives a file (see column 7, lines 22-25, column 13, lines 65-67). The claimed "setting remaining parameters in said descriptor file" is met when Pisello shows other attributes of a file (see Tables 1, 2).

Regarding claim 6, Pisello discloses the remaining parameters comprise installed directory, size and versions (see Tables 1, 2, column 15, lines 3-9).

Regarding claim 7, the claimed steps merely installs the archive file at the destination data storage. Pisello discloses such features when Pisello shows the migration commands and archive storage means for receiving archive files (see column 9, lines 2-67).

Claim 8 merely recites the limitations of claim 7 without the limitations of its parent claim 1, thus is rejected for the same reasons stated in claim 7 above.

Claims 9, 10, 11 correspond respectively to a system for claims 1, 7, 8, thus are rejected for the same reasons stated in claims 1, 7, 8 above.

Claims 12, 13, 14 correspond respectively to a computer program product for claims 1, 7, 8, thus are rejected for the same reasons stated in claims 1, 7, 8 above.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dwyer et al (US 5,706,457) teach an image display and archiving system and method.
Tararoukhine et al (US 2003/0177422) teach data transfer and management system.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen T Le whose telephone number is 703-305-4134. The examiner can normally be reached on M-F 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Application/Control Number: 09/992,103

Page 6

Art Unit: 2171

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Uyen Le
Primary Examiner
AU 2171

10 October 2003